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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,140	02/20/2004	Robert W. Venderbosch	133113-2	7087
7590 02/02/2005				
Henry H. Gibson GE Plastics One Plastics Avenue Pittsfield, MA 01201				
EXAMINER BOYKIN, TERRESSA M				
ART UNIT		PAPER NUMBER		
1711				

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/783,140

Applicant(s)

VENDERBOSCH ET AL.

Examiner

Terressa M. Boykin

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11, 17-19, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 6-10, 12-16 and 20-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/04, 12/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 1711

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

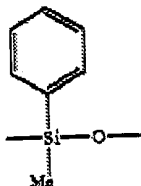
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claims 1-4, 5, 11, 17, 18, 19, 25, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6727302 see abstract, col. 2 line 5 through col.6 line 60, tables 2, 3,4,7,8, examples 1-10 and claims.***

With regard to claims 1 and 17 the reference discloses a transparent, fire resistant polycarbonate compositions and articles made therefrom comprising polycarbonate, poly(methylphenylsiloxane) and a salt based flame retardant. These polycarbonate compositions can attain UL94 V0 ratings at 1.6 millimeter thickness, previously possible only with a halogenated fire retardant.

Poly(methylphenylsiloxane) as used herein means a polymer having a plurality of units with the formula:



The reference discloses that useful poly(methylphenylsiloxane)s have a viscosity of about 1 to about 300 centistoke (cSt) at 25 C. Preferably the poly(methylphenylsiloxane) has a viscosity of about 4 to about 20 cSt and contains at least two silicon atoms in the polymer chain, and comprises internal methylphenylsiloxane units only. Additionally, copolymers of poly(methylphenylsiloxane) may be useful, wherein the polymer further comprises dimethoxysiloxane units. Preferably the number of methylphenylsiloxane units comprises greater than about 50%, more preferably greater than about 80%, and most preferably greater than about 90% of the total number of units.

With regard to claims 11 and 18, the reference defines transparent as having a percent transmission of about 85 and a haze value of about 5 when measured according to ASTM D1003, at a thickness of 3.2 mm. Preferably the transparent polycarbonate composition has a percent transmission of about 90 and a haze value of about 2.

With regard to claims 2, 3, and 4 note that the reference discloses that the poly(methylphenylsiloxane), unlike most polysiloxanes, does not affect the optical properties of polycarbonate compositions. Thus, when poly(methylphenylsiloxane) is used in a polycarbonate composition in combination with a salt based flame retardant, such as KSS or Rimar salt, the resulting transparent polycarbonate composition is fire resistant.

With regard to claims 5, and 19 the reference repeatedly states how the particular polysiloxane chosen effects optical properties and thus includes there the specific polysiloxane which would anticipate applicants "visual effect additive" Additionally, the reference discloses various additives which impart "visual effects" on the resulting composition. Note that the reference states at col. 4 line 65 etc. that the polycarbonate composition may include various additives ordinarily incorporated in resin compositions of this type. Such additives are, for example, fillers or reinforcing agents; heat stabilizers; antioxidants; light stabilizers; plasticizers; antistatic agents; mold releasing agents; additional resins; and blowing agents. Combinations of any of the foregoing additives may be used. Such additives may be mixed at a suitable time during the mixing of the components for forming the composition.

### **Objected Claims**

Claims 6-10 and 12-16, 20-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Correspondence**

**Please note that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Applicants may be referred to the**

**Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html>  
or 1-866-217-9197.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terressa Boykin whose telephone number is 571 272-1069. The examiner can normally be reached on Monday through Friday from 6:30am to 3:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The general information number for listings of personnel is ( 571-272-1700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb



**Examiner Terressa Boykin  
Primary Examiner  
Art Unit 1711**